IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 752 of 2006 (M/B)

Smt. Gayatri Devi W/o Sri Devendra Singh Topal,
R/o Village Pedul, Patti Paidulsyeu,
Block Kaljikhal, District Pauri Garhwal. ..... Petitioner

Versus

1. State of Uttaranchal,
through Secretary, Pay Jal,
Civil Secretariat, Subhash Road,
Dehradun.
2. Chief General Manager,
Uttaranchal Jal Sansthan, Nehru Colony,
Dehradun.
3. Executive Engineer,
Uttaranchal Jal Sansthan,
Pauri Garhwal.
4. Gram Pradhan,
Gram Sabha Tangroli, Patti Paidulsyeu,
Block Kaljikhal,
District Pauri Garhwal. ..... Respondents

Mr. Vinod Nautiyal, Advocate for the petitioner.
Mr. J.P. Joshi, Addl. Chief Standing Counsel for respondent No. 1.
Mr. Rakesh Thapliyal, Advocate for respondents Nos. 2 and 3.
Ms. Geeta Parihar, Advocate for respondent No. 4.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. Vinod Nautiyal, Advocate for the petitioner.

Mr. J.P. Joshi, Addl. Chief Standing Counsel for respondent No. 1.

Mr. Rakesh Thapliyal, Advocate for respondents Nos. 2 and 3.

Ms. Geeta Parihar, Advocate for respondent No. 4.

They are heard on admission.

2. Petitioner Smt. Gayatri Devi, claiming herself to be member of Block Development Committee of Block Pauri, has filed this writ petition for the following reliefs:

> "a. Issue a writ, order or direction in the nature of mandamus commanding the respondent Nos. 1, 2 and 3 to disconnect the water connection given to the Village Tangroli and provide water facility to the Villagers of petitioner village from water scheme constructed solely for village Pedul;
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> b. Issue writ, order, or direction in the nature of mandamus directing and commanding the respondent Nos. 1, 2 and 3 to insure the supply of water to Village Pedul and safety of water scheme of the village Pedul so that scheme may not be damaged by the respondent No. –14;
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> c. Issue any other suitable writ, order or direction which this Hon'ble Court may deem fit and proper to the facts and circumstances of the case.
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> d. Award the cost of the petition to the petitioner."

3. The petitioner has projected the plight of the villagers of village Pedul who are facing acute shortage of water. The petitioner's case is that due to the connection given to village Tangroli from the pipeline, which was meant for village Pedul only, the villagers of village Pedul are not getting even a drop of water for their requirements. It is also pleased that there is no natural water resource in and around village Pedul.

4. The matter is required to be dealt with more as a human problem than a legal problem. For an effective solution, a fact finding inquiry would be necessary. Under the provisions of U.P. Kumaun and Garhwal Water (Collection, Retention and Distribution) Act, 1975, Sub-Divisional Magistrate is the appropriate authority to consider and decide water disputes. We, therefore, direct Sub-Divisional Magistrate, Pauri to look into the matter and to take all possible steps for the redressal of the petitioner's grievances projected in the writ petition. Sub-Divisional Magistrate, Pauri shall complete

the above exercise within a period of four weeks from the date of production of a certified copy of this order.

5. With the above direction, the writ petition stands disposed of.

6. With the above order, CLMA No. 7861 of 2006 also stands disposed of.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C.J.)**
27.06.2006 27.06.2006

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